

United States District Court

EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

CASE NUMBER: 3:17MJ159 (DJN)

Omar Villarreal Silva

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 07, 2017 in the Eastern District of Virginia and within the jurisdiction of this Court, defendant, an alien who had been ordered deported and was deported from the United States, was found in the United States without having obtained the express consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States, in violation of Title 8, United States Code, Section 1326(a).

I further state that I am Deportation Officer of U.S. Immigration and Customs Enforcement and that this complaint is base on the following facts:

SEE ATTACHED

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No


Signature of Complainant

Sworn to before me, and subscribed in my presence

9/18/2017
Date

at Richmond, Virginia

/s/ [Signature]
Roderick C. Young
United States Magistrate Judge

EXHIBIT 28

United States Magistrate Judge
Rodrick C. Young
ls/

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA,

v.

OMAR VILLARREAL SILVA,
a.k.a. Nolberto Ruiz Trinidad,
a.k.a. Nolberto Trinidad Ruiz,

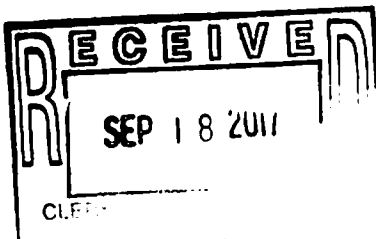
Defendant.

Criminal No. - 3:17MJ159

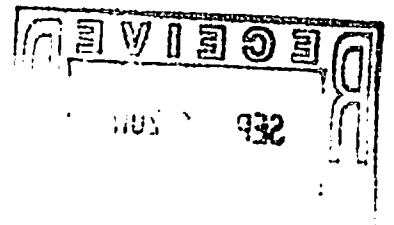
AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Orlando Torres, being duly sworn state the following:

1. I am a Deportation Officer for U. S. Immigration & Customs Enforcement ("ICE"), and am currently assigned to the Richmond Sub-Office of the Washington Field Office. I have been employed by the Agency since June 2007. My duties as a Deportation Officer involved in the enforcement of the Immigration and Nationality Act, particularly the location and apprehension of criminal aliens for prosecution and removal.
2. This affidavit is in support of a criminal complaint charging, Omar Villarreal Silva with Reentry after Deportation, in violation of 8 U.S.C. § 1326(a). As described herein, Villarreal Silva, a citizen of Mexico, is an alien who was previously deported from the United States, reentered the United States, and was found in the United States within the Eastern District of Virginia without having first obtained the express consent of



PERSONAL



the Attorney General or, his successor, the Secretary of Homeland Security.

3. The facts and information contained in this affidavit are based on my personal knowledge and observations, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause, but is not intended to include each and every fact and matter observed by me or known to the government.
4. A review of ICE's files and computer records revealed that Villarreal Silva, born July 10, 1978, in Guerrero, Mexico and at all times a Mexican citizen, first attempted to enter into the United States on March 14, 1998, and was apprehended by the United States Border Patrol and voluntarily returned to Mexico.
5. On March 18, 1998, Villarreal Silva again attempted to illegally enter the United States, and was apprehended by the United States Border Patrol and was voluntarily returned to Mexico.
6. On July 28, 1998, Villarreal Silva attempted to illegally enter the United States, and was apprehended by the United States Border Patrol and voluntarily returned to Mexico.
7. On an unknown date, at an unknown location, Villarreal Silva illegally reentered the United States.

8. On August 19, 2000 Villarreal Silva was arrested by the Winston Salem, North Carolina Police Department for the offense of Discharge a Firearm within the City limits. On September 06, 2000 Villarreal Silva was found guilty and was sentenced to 18 days in jail.
9. On February 10, 2001 Villarreal Silva was arrested by the Winston Salem, North Carolina Police Department for the offenses of Robbery with a Dangerous Weapon and Resisting Public Officer. On March 2, 2001, Villarreal Silva was found guilty for Resisting Public Officer and was sentenced to 20 days in jail. The Robbery with a Dangerous Weapon offense was dismissed.
10. On December 3, 2007, Villarreal Silva was arrested by the Chesterfield County, Virginia Police Department for the offense of Identity Theft: Possession of Fictitious ID. On January 16, 2008, Villarreal Silva was found guilty and was sentenced to 90 days in jail.
11. On December 3, 2007, Villarreal Silva was arrested by the Chesterfield County, Virginia Police Department for the offense of DWI 1st Offense. On January 16, 2008, Villarreal Silva was found Guilty and sentenced to six months in jail.
12. On March 29, 2009, Villarreal Silva was arrested by the Chesterfield County, Virginia Police Department for the offense of Felony DWI 2nd Offense within 5 years. On May 14, 2009, Villarreal Silva was found guilty and sentenced to 12 months in jail.

13. On February 22, 2014, Villarreal Silva was arrested by the Chesterfield County, Virginia Police Department for the offense of DWI 3rd within 5-10 years. On July 30, 2014, Villarreal Silva was found guilty and was sentenced to 5 years of probation.
14. On February 22, 2014, the I.C.E. Secure Communities Program encountered Villarreal Silva while detained at the Chesterfield County, Virginia Jail, while Villarreal Silva was awaiting disposition on his DWI 3rd Offense within 5-10 years. Villarreal Silva was interviewed by Secure Communities, alienage and removability were established, and a detainer was lodged.
15. On August 1, 2014, Villarreal Silva entered ICE custody and was served with a Notice to Appear and was placed in removal proceedings.
16. On September 2, 2014, an Immigration Judge in Arlington, Virginia ordered Villarreal Silva removed from the United States to Mexico.
17. On September 11, 2014, Villarreal Silva was removed to Mexico.
18. On November 20, 2014, Villarreal Silva applied for admission into the United States from Mexico at El Paso, Texas Port of Entry. Villarreal Silva presented a passport card bearing the name of Gonzalez, Roberto card number xxxx6572. Customs and Border Protection officer asked Villarreal Silva was the card his and he stated "Yes". A query was conducted and it revealed the passport card was stolen or lost. Villarreal Silva was sent to a secondary inspection and during the inspection he

admitted that the card was not his.

19. On November 21, 2014, a criminal complaint was filed with the United States District Court in the Western District of Texas (El Paso) under section 8 U.S.C. 1326 (Attempted Reentry after Deported Alien) and 18 U.S.C. 1544 (Improper Use of Another's Passport).
20. On April 13, 2015, Villarreal Silva was found guilty on both counts and sentenced to 15 months in prison on each count to be served consecutively.
21. On November 25, 2016, Villarreal Silva was served with Form I-860 (Notice and Order of Expedited Removal) and was ordered removed from the United States to Mexico.
22. On December 23, 2015, Villarreal Silva was removed from the United States to Mexico.
23. On an unknown date, at an unknown location, Villarreal Silva again illegally reentered the United States without the required permission of either the Attorney general or Secretary for Homeland Security.
24. On August 06, 2017, Villarreal Silva was arrested by the Chesterfield County, Virginia Police Department for the offenses of Obstruct Justice: Without Force, DWI: Previous Felon and Driving While Suspended/Revoke Endangerment-Felony.
25. On August 7, 2017, the Richmond, Virginia Criminal Alien Program received an illegal alien query from the Chesterfield County, Virginia Jail

in reference to Villarreal Silva. A query was conducted based on FBI number provided in the query. The query revealed the identity of Villarreal Silva and a detainer was lodged with the Chesterfield County, Virginia Jail.

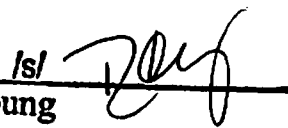
26. On September 12, 2017, the offenses for Obstruct Justice: Without Force, DWI: Previous Felon and Driving Suspended/Revoked Endangerment-Felony were *Nolle Prosequi* and, on the same date, Villarreal Silva entered Immigration and Customs Enforcement custody, and the prior removal order was reinstated.
27. Based on the facts and information set forth above, I respectfully submit that there is probable cause to believe that Villarreal Silva reentered the United States after having been deported in violation of Title 8, United States Code, Section 1326 (a).



Orlando Torres
Deportation Officer
United States Immigration &
Customs Enforcement

Sworn to and subscribed

Before me on this 18th day of September


Roderick C. Young
United States Magistrate Judge